

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

WARNER RECORDS INC., ET. AL.,

Plaintiffs,

v.

ALTICE USA, INC., and
CSC HOLDINGS, LLC,

Defendants.

Case No.: 23-cv-576-JRG-RSP

STIPULATION RE: USE OF PRIOR TESTIMONY

Plaintiffs¹ and Defendants Altice USA, Inc., and CSC Holdings, LLC (collectively, “Altice,” and together with the Plaintiffs, “the Parties”) hereby stipulate as follows:

WHEREAS, the Parties have agreed that they may use certain deposition testimony in *Warner Records Inc., et al. v. Altice USA, Inc., et al.*, No. 2:23-cv-576-JRG-RSP (E.D. Tex.) (the “Instant Action”), that was previously given in *BMG Rights Management (US) LLC, et. al. v. Altice, et al.*, No. 2:22-cv-471-JRG (E.D. Tex.) (“*Altice I*”), provided that such use is consistent with the Federal Rules of Evidence, Federal Rules of Civil Procedure, and other applicable laws, rules, and Court orders;

WHEREAS, the Parties have agreed that they may use the deposition testimony given in *Altice I* by Audrey Pinn, Donna Bush, Evan Comrie, Keith Agabob, Michael Davis, Keri Caruso, Lisa Farrell, Robert Egan, Bill Basquin, as the corporate representative of Sandvine, and Robert

¹ “Plaintiffs” includes each and every entity identified in the operative Complaint (ECF No. 1) collectively.

Fryer, as the corporate representative of Intelcia USA LLC (collectively, the “*Altice I* Witness Testimony”) in the Instant Action, as if such testimony was given in the Instant Action, and only for the limited purpose of use in the Instant Action;

WHEREAS, the Parties have agreed that Plaintiffs shall receive from Altice, and be entitled to use in the Instant Action, the deposition videos of the *Altice I* Witness Testimony, provided that such use is consistent with the Federal Rules of Evidence, Federal Rules of Civil Procedure, and other applicable laws, rules, and Court orders;

WHEREAS, the Parties have agreed that Altice will provide Plaintiffs with copies of the transcripts of the *Altice I* Witness Testimony in an appropriate format to enable syncing with those deposition videos;

WHEREAS, the Parties agree that this cross-use agreement will collectively count as 25 hours against Plaintiffs’ total deposition time in the Instant Action, and collectively count as 2 hours against Altice’s total deposition time in the Instant Action;

WHEREAS, the Parties agree to reserve all rights with respect to objections interposed during the *Altice I* Witness Testimony (including that Plaintiffs in the Instant Action may rely on objections by plaintiffs or third-parties in *Altice I*) and any and all unasserted objections that may be raised in the Instant Action, including as to relevance, competence, and admissibility, and any other objection, whether under the Federal Rules of Evidence, Federal Rules of Civil Procedure, Local Rules, Court orders, or any other rule of law. For the avoidance of doubt, the fact that the Parties have stipulated to the cross-use of *Altice I* Witness Testimony does not constitute a concession that such *Altice I* Witness Testimony is relevant and/or admissible. The Parties expressly reserve their right to object to the admission at trial of any *Altice I* Witness Testimony,

as provided for by the Federal Rules of Evidence, Federal Rules of Civil Procedure, and other applicable laws, rules, Court orders, and this stipulation.

THEREFORE, it is hereby stipulated among the Parties that:

1. The Parties may use the *Altice I* Witness Testimony in the Instant Action, as if such testimony has been given in the Instant Action, and only for the limited purpose of use in the Instant Action, provided that such use is consistent with the Federal Rules of Evidence, Federal Rules of Civil Procedure, and other applicable laws, rules, and Court orders;
2. The *Altice I* Witness Testimony shall be designated Highly Confidential under the stipulated protective order in the Instant Action (ECF No. 51);
3. All objections to admissibility of the *Altice I* Witness Testimony, other than on the basis that it was initially provided in prior actions, are preserved;
4. The total deposition time counted against Plaintiffs in the Instant Action for the *Altice I* Witness Testimony shall be 25 hours;
5. The total deposition time counted against Altice in the Instant Action for the *Altice I* Witness Testimony shall be 2 hours;
6. Altice shall provide Plaintiffs with copies of the deposition videos and transcripts of the *Altice I* Witness Testimony in an appropriate format to enable syncing with deposition videos; and
7. The Parties' rights are reserved with respect to objections interposed during the *Altice I* Witness Testimony and any and all unasserted objections that may be appropriately raised in the Instant Action, including as to relevance, competence, and admissibility, and any other objection, whether under the Federal Rules of Evidence, Federal Rules of Civil Procedure, Local Rules, Court orders, or any other rule of law.

Dated: April 8, 2025

/s/ Rudolph Fink IV w/ permission

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this notice was served on all counsel who have consented to electronic service, Local Rule CV-5(a), on this the 8th day of April, 2025.

/s/ Rudolph Fink IV
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